

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATC/3621  
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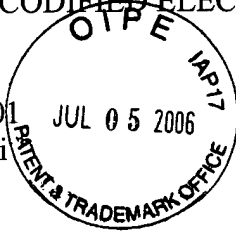
Applicant: Mark D. Ackerman et al.

Title: SYSTEM AND METHOD FOR CONTROLLING ACCESS TO LICENSED COMPUTING  
PROCESSES VIA A CODIFIED ELECTRONIC LICENSE

Docket No.: 1565.039US1

Filed: October 9, 2001

Examiner: Behrang Badii



Serial No.: 09/973,664

Due Date: July 2, 2006

Group Art Unit: 3621

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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☒ Response to Notice of Non-Compliant Appeal Brief (4 pgs.).

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
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By: Joseph P. Mehrle  
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Peter Rebuffani  
Name

Peter Rebuffani  
Signature

S/N 09/973,664



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants:	Mark D. Ackerman et al.	Examiner: Behrang Badii
Serial No.:	09/973,664	Group Art Unit: 3621
Filed:	October 09, 2001	Docket No.: 1565.039US1
Title:	SYSTEM AND METHOD FOR CONTROLLING ACCESS TO LICENSED COMPUTING PROCESSES VIA A CODIFIED ELECTRONIC LICENSE	

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**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on June 2, 2006. In compliance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), Appellants submit the following corrected section from Appellants' previously-submitted Appeal Brief filed March 13, 2006.

Initially, Applicants would like to state that Applicants feel that the original submitted Summary of the Claimed Subject matter included numerous specific references to the claimed subject matter and Applicants cannot understand how it is the Examiner found this to be deficient. There was no explanation other than a statement that it did not include references in the specification and figures; yet, there was an abundance of references. Applicants feel this was not appropriate and at the very least the Examiner should have been more specific as to how he felt the section was deficient and why. Applicants are only guessing as to how the Examiner wants to see this section, since Applicants feel the original submitted section was compliant with the rules. Applicants respectfully request that the Examiner review the substance of the Brief as this has been submitted since March 2006. The new replacement section accounts literally for nearly everything in the claimed subject matter with multiple references to the figures and specification. Applicants respectfully request that if the Examiner still feels this is insufficient that the Examiner call the Applicants' representative and provide the specific problem that the Examiner is maintaining in an effort to expedite this already dilatory response to Applicants' Appeal Brief.

Please replace the previously submitted Summary of Claimed Subject Matter Section 5 with the below replacement.

## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

Some aspects of the present inventive subject matter include, but are not limited to, systems, methods, and media for electronic licensing.

According to one aspect, a system for licensing external processes on a computer is provided as illustrated in FIG. 1 and expanded upon in FIG. 2 for item 200 and also FIG. 3; also see the last paragraph on page 3 and the first paragraph on page 4. Moreover, the detail of the features of the license can be found with reference to FIG. 4. An electronic license, as illustrated in FIG. 4 and described in pages 9-14 with particular emphasis on page 14 lines 19-21, includes two or more software commands for registration with a software product; see FIG. 4, item 470 (commands to register) and page 14 lines 19-25. The software license includes embedded therein for each software command a string identifying a command name and at least one of an inclusion and exclusion identifier; see FIG. 4 item 474 and see page 16 lines 7-12. The system also includes an interface that registers the identified software commands having the inclusion identifier; see FIG. 2 item 255 (command line interface) and item 257 (user interface) and page 19 lines 19-21 and also see FIG. 6 item 670 and in the specification see page 18 lines 10-20. Furthermore, the system includes a command processor that executes the identified and registered software commands; see FIG. 2 item 254 and page 8 lines 11-18, page 18 lines 14-19, page 19 lines 20-23.

In another aspect, a method for licensing external processes on a server is presented, as illustrated in FIG. 7 with added detail also include in FIGS. 4-6. Here, an electronic license (FIG. 4 has detail for the electronic license) is generated that includes a plurality of software command directives embedded therein for at least one of accessing and rejecting registration, by one or more external processes or products having the software commands; see FIG. 5, block 520 and page 17 lines 3-8; and see FIG. 7 item 750 and page 19 lines 20-24. Each command directive includes a command name associated with one or the plurality of software commands and an inclusion or exclusion identifier for the acceptance or rejection of the registration. See

page 4 lines 11-14 and see also FIG. 4 with reference to item 470, 472, and 474 and see page 16 lines 7-21. The software commands are registered based upon the software command directives; see FIG. 7 item 750 and see page 19 lines 20-24. Finally, the registered commands are executed; see FIG. 7 item 760 and page 19 line 20 continuing to page 20 line 1.

In yet another aspect, a computer-readable medium includes program instructions executing on a computer for licensing external processes on a server, the program performs the method as follows; see page 20 lines 19-23 and see FIG. 7 with supporting FIGS. that have detail in FIGS. 4-6. An electronic license is generated that identifies two or more software commands for registration for a product; see FIG. 5, item 520 and page 17 lines 3-8 and lines 19-23; and FIG. 4. The electronic license includes for each software command a string identifying a command name for one of the software commands and at least one of an inclusion and exclusion identifier, where the string is embedded within the electronic license; see FIG. 4 item 474 and see page 16 lines 7-12. Next, the software commands are registered with an interface for those having the inclusion identifier; see FIG. 2 item 255 (command line interface) and item 257 (user interface) and page 19 lines 19-23 and also see FIG. 6 item 670 and in the specification see page 18 lines 10-20. Then, a command processor executes the identified and registered software commands; see FIG. 2 item 254 and page 8 lines 11-18, page 18 lines 14-19, page 19 lines 20-23.; and see FIG. 7, block 760 and page 19 line 20 continuing to page 20 line 1.

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Applicants refer to the appended claims and its legal equivalents for a complete statement of the invention.

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**CONCLUSION**

In accordance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), only the non-compliant section of Appellants' previously-submitted Appeal Brief has been included in this response.

Appellants respectfully submit that the Examiner withdraw the non-compliant status and examine the Appeal Brief.

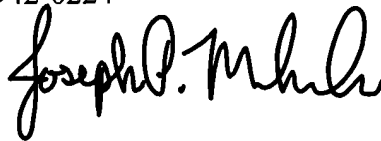
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Respectfully submitted,

MARK D. ACKERMAN ET AL.

By Appellants' Representatives,

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Date June 30, 2006

By \_\_\_\_\_  
Joseph P. Mehrle  
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Peter Rebutteni  
Name

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